



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14080 of 2022

R.UMESH KUMARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.6 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.SATHISH KUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

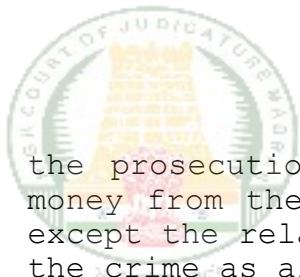
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 & 506(i) of IPC in Crime No.6 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's mother (A1) is running a Chit fund scheme for the past 15 years and the defacto complainant have deposited Rs.44,225/- as monthly chit and fund amount of about Rs.60,000/- and further the said A1 have borrowed a sum of Rs.5,00,000/- from the defacto complainant's mother, thereby they have given a total sum of Rs.12,14,325/-. Further, it is alleged that the said A1 is not returning back the said Chit Fund amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that there are totally 6 accused in which the petitioner is arrayed as A3. A1 and A2 are the parents of the petitioner herein. They were already arrested and released on bail. Even, according to the case of



the prosecution, the A1 and A2 runs a Chit Fund and collected huge money from the general public. As far as the petitioner is concerned except the relationship as son of A1 and A2, he has nothing to do with the crime as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that there are totally 6 accused, in which the petitioner is arrayed as A3. A1 and A2 were already arrested and released on bail. Both A1 and A2 collected a huge sum of Rs.2.5 crores from general public and cheated them. As far as the complainant is concerned, he deposited a sum of Rs.12,14,325/- and the same was not returned back to the defacto complainant. He further submitted that from the crime proceeds, A1 and A2 spent huge amount for the marriage of the petitioner herein. Even according to the case of the prosecution, A1 and A2 run a Chit Fund which is unauthorized and collected a sum of Rs.2.5 crores. The petitioner is only the son of A1 and A2 and hence, he prays to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Ponneri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
22/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges SR.NO.9717

CRL OP.14080/2022

Date :22/06/2022

JPA 27/06/2022